

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)	
)	
MARIA CLEVELAND,)	
)	
Complainant,)	
)	
and)	Charge No.: 2006CF3277
)	EEOC No.: N/A
FREDERICK HUNT,)	ALS No.: 07-749
)	
Respondent.)	Judge Gertrude L. McCarthy

RECOMMENDED ORDER AND DECISION

On October 2, 2007, the Illinois Department of Human Rights (Department) filed a *Complaint of Civil Rights Violation* alleging sexual harassment in violation of the Illinois Human Rights Act (Act).

The Department is an additional statutory agency that has issued state actions in this matter. The Department is therefore named as an additional party of record.

FINDINGS OF FACT

The following facts were derived from the record file in this matter:

1. On October 7, 2007, the Department filed a *Complaint of Civil Rights Violation* alleging sexual harassment in violation of the Act.
2. On August 13, 2008, and October 15, 2008, correspondence was sent by Respondent to Complainant at her address of record 6726 22nd Avenue, Kenosha, Wisconsin, 53143 (Kenosha) notifying her of future status dates.
3. Complainant failed to appear on status dates of October 15, 2008 and November 12, 2008.
4. The communication sent by the Commission on November 17, 2008 to her Kenosha address was not returned as undeliverable.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter.
2. As a result of Complainant's failure to prosecute her case, this matter should be dismissed.

DISCUSSION

Communications directed to Complainant by Respondent prior to August 13, 2008 were directed to Complainant's prior addresses.

On August 13, 2008, an order of the same date was sent by Respondent to Complainant to her address of record in Kenosha, notifying her of a status date of October 15, 2008.

On October 15, 2008, Respondent filed its *Motion to Dismiss for Want of Prosecution*, directing the motion to Complainant's Kenosha address.

On October 15, 2008, an order of the same date was sent by Respondent to Complainant at the Kenosha address notifying her of a future status date of November 12, 2008.

It is acknowledged that Complainant's file shows several addresses but it is clear that at least as of August 13, 2008, the Commission file shows all communication was directed to Complainant's most recent address in Kenosha.

Complainant failed to appear at either the October 15, 2008 status date or November 12, 2008 status date, the date Respondent had noticed up its pending motion.

On November 17, 2008, I issued a further order which was directed to various addresses for Complainant, including the Kenosha address. All communication from that November 17, 2008 order directed to Complainant was returned as "Unable to Forward" except the one directed to the Kenosha address.

Complainant has a responsibility to prosecute her case and to notify all relevant parties, including the Commission, of changes of address and to maintain communication with the Commission regarding the pending matter.

Complainant did not respond to the pending motion nor notify the Commission of her wishes to extend the time within which to respond to said motion.

Complainant has done nothing to ensure that her complaint is heard.

Complainant's actions, therefore, have unreasonably delayed the proceedings in the matter.

Complainant has failed to appear for scheduled status dates or to respond to the pending motion.

Without offering any explanation, Complainant has stopped prosecuting her case. Her failure to move forward has unreasonably delayed the proceedings in this matter. It appears that Complainant has simply abandoned her claim.

It is a fundamental principle governing practice before this Commission that it is the singular responsibility of complainants to diligently pursue the disposition of their cases once they are docketed with the Commission. See *Johnson and Valley Green Management Co.*, IHRC, 11469, July 25, 2002.

The Commission routinely dismisses abandoned claims. See *e.g. Leonard and Solid Matter, Inc.*, IHRC, 4942, August 25, 1992. Additionally, the Commission has dismissed cases where Complainant has failed to appear before the Commission on dates scheduled for hearing or status. See, *e.g. Stewart and SBC Midwest*, IHRC, 04-227, March 22, 2006, and *Jackson and Chicago Firefighters Union Local No. 2*, IHRC, 8193, September 29, 1997. In light of those precedents, this case should be dismissed.

RECOMMENDATION

Based upon the foregoing, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

GERTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: February 9, 2009